

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

Harrisonburg Division

CLERK'S OFFICE U.S. DISTRICT COURT
AT HARRISONBURG, VA
FILED

OCT 27 2022

LAURA A. AUSTIN, CLERK
BY: K. Adams
DEPUTY CLERK

ANTWHON SUITER,

Plaintiff,

v.

COUNTY OF AUGUSTA,

DONALD SMITH, in his individual and
official capacity as Deputy of the Augusta County
Sheriff's Department

Deputy Obenschain. M.R, in his individual and
official capacity as Deputy of the Augusta County
Sheriff's Department

Deputy Metlenko. E, in his individual and
official capacity as Deputy of the Augusta County
Sheriff's Department

Defendants

SERVE

County Of Augusta:

Gerald Garber- Chair for the Board of Supervisors
18 Government Center Ln, Verona Virginia 24482

Donald Smith, Individual and Official Capacity
Augusta County Sheriff's Department
127 Lee Highway, Verona Virginia 24482

Deputy Obenschain. MR., Individual and Official Capacity
Augusta County Sheriff's Department
127 Lee Highway, Verona Virginia 24482

Deputy Metlenko. E, Individual and Official Capacity
Augusta County Sheriff's Department
127 Lee Highway, Verona Virginia 24482

Case No.: 5:22cv00063

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

PLAINTIFF'S VERIFIED COMPLAINT

Plaintiff, Antwhon Suiter, a *Pro Se* litigant, files this Complaint against Defendants County of Augusta, Augusta County Sheriff's Department, Sheriff Donald Smith, in his official capacity as The Sheriff of Augusta County, for violating the Plaintiffs FIRST, FOURTH, and FOURTEENTH Amendment under the United States Constitution. Plaintiff Antwhon Suiter seeks Monetary and Injunctive relief.

NATURE OF THE ACTION

1. This case is about the County Of Augusta, Deputy Obenschain. M.R, Deputy Metlenko. E. and Sheriff Donald Smith violating Plaintiff Antwhon Suiter's FIRST, FOURTH, and FOURTEENTH rights while he was peacefully demonstrating outside of Augusta County Sheriff's Department on 06/29/2021 and 07/21/2020. The Plaintiff Antwhon Suiter, prevailed at Trial on 09/02/2022 in Augusta General District Court.
2. This action arises under the First, Fourth and Fourteenth Amendments to the United States Constitution and under 42 U.S.C. §§ 1981, 1983, and 1988, as well as the Constitution and Laws of the Commonwealth of Virginia.
3. The Defendants violations of Antwhon Suiters rights came months after peaceful protestors from around Virginia began gathering at the Augusta County Sheriff's Department in 2021, and months after the officer involved shooting in Augusta County which prompted the protest for the need of transparency from the ACSD.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

4. After weeks and months of protesting, the ACSD, Donald Smith, and Deputy Obenschain. M.R, Deputy Obenschain. MR. , started arresting and kidnapping many of the peaceful protestors with the threat of fines, leading to incarceration.

5. The County Of Augusta, Donald Smith, and Deputy Obenschain. M.R, Deputy Obenschain. MR used and Charged Plaintiff Antwhon Suiter with exceeding max sound level under Augusta County's Noise-Ordinance statute on two separate occasions.

6. On 09/2/2022, A General District Court Judge in Augusta County adjudicated Plaintiff Antwhon Suiter, stating he was "Protected by the FIRST amendment"

7. By instilling in lawful protestors a credible fear of bodily harm for assembling, The ACSD tactics discourage protestors from exercising their constitutional rights to protest against police brutality, racial inequities in the American criminal legal system and protest for Body/Dash cameras on all officers of the law.

8. The tragic police involved shootings of Dante Harris and Jeffrey Bruce in 2021, at the hands of the Augusta County Sheriff's Department, and the ongoing and disproportionate killings of Black and brown, men and women by law enforcement, has sparked demonstrations in all fifty states and around the world.

9. In response, all across this state, Virginians have come out in large numbers to protest police brutality and racial inequality, including acknowledging Virginia's own historic role in perpetuating these inequities. As

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

there is no singularly “appropriate” location for Virginians to peacefully assemble to petition their government for the redress of grievances.

10. Instead of recognizing the grievances of his fellow citizens, ACSD’s Sheriff Donald “Sheriff” Smith chose instead to adopt a policy of intimidation by announcing his intention to “Arrest, Ticket and Jail” the protestors. Sheriff Donald Smith and the ACSD issued a peremptory announcement threatening to use Augusta County’s Noise Ordinance statute, 15-7A, to justify arrests and the use of force, to disperse crowds gathered to protest against police violence, in which the ACSD did so.

11. Following through on this threat, throughout June and July of 2021, ACSD declared, month long peaceful gatherings in front of the Augusta County Sheriff’s Department a riot. Unprovoked, an overwhelming number of ACSD Deputies began ticketing, arresting, and jailing community members. Remaining demonstrators were forced to leave the area temporarily while in fear of arrest and incarceration. The purpose and effect of ACSD’s use of the Noise Ordinance statute and subsequent use of non-lethal force has been to restrict, frustrate, and deter protestors from exercising their rights to free speech and assembly.

12. Plaintiffs have been, and want to continue to be, part of the protest movement to protect Black lives without being subject to unprovoked police violence. They want to participate in demonstrations against police brutality in Augusta County without being exposed to arrest and incarceration by ACSD and its Deputies against peaceful protestors. They want to end the pretextual use of noise ordinance declarations as grounds for

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

using force against otherwise peaceful protestors. Plaintiffs bring this action to restrain the County of Augusta, ACSD Deputies, and Sheriff Donald Smith.

13. Plaintiff Antwhon Suiter seeks monetary, and injunctive relief because, despite the lack of apologies and admissions that they have violated protestors' rights, Plaintiffs' endured retaliatory arrest, threats and actions from the ACSD, Sheriff Donald Smith and ACSD Deputies. The Defendants knowingly violated Mr Suiters constitutional rights through the use of overwhelming and unnecessary force. When The Defendants Violated Plaintiff Anthons Suiters FIRST amendment rights, the Defendants also violated The Plaints FOURTH, AND FOURTEENTH rights as well.

PARTIES

14. Plaintiff Antwhon Suiter operates a non-profit organization in Augusta County, Virginia named "Black Lives Matter Shenandoah Valley", which is a Black Lives Matter Chapter registered with the Virginia State Commission. BLMSV works with people from all across Virginia to organize around social, racial, and economic justice issues. BLMSV encourages community members to engage in advocacy, organize protests and rallies. In light of the recent national protests to end police brutality sparked by the police killing of George Floyd, BLMSV's President Antwhon Suiter has prioritized organizing peaceful protests in the Augusta County community. The purpose of these events has been to raise awareness of social injustices, inequities in the criminal legal system, and advocate for an end to violence, specifically against Black Americans and communities of color. Because of the threat of continued unlawful police violence directed at peaceful protests,

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

Black Lives Matter Shenandoah Valley's President Antwhon Suiter has already diverted and will need to continue to divert resources from its public education and organizing activities to ensuring protestors and event participants can exercise their rights safely.

15. Plaintiff Antwhon Suiter is a Virginia and Augusta County resident who attended and organized the protest between the days of and around April of 2021 and September of 2021. Mr. Suiter is a lifelong resident of the Augusta County area and obtained his Diploma with Advanced Technology from Robert E Lee High School in 2014. He has attended and organized many protests against police violence over the past several years, including protests organized in response to the killings of George Floyd, Michael Brown, Eric Garner and the local police involved shootings of Dante Harris and Jeffery Bruce. His personal convictions and commitment to social justice led him to start the recent protests in Augusta County. Mr. Suiter frequently attends protests after work and hopes to continue to do so peaceably without the threat of unprovoked police violence. After witnessing the County Of Augusta and ACSD's use of excessive force, arrests, threats, detentions, and incarceration, Mr. Suiter fears for his safety if he continues to protest police brutality in Augusta County and Virginia.

16. Plaintiff Antwhon Suiter has resided in Augusta County since birth. Deeply troubled by the police killing of George Floyd, shootings of Dante Harris and Jeffery Bruce and ongoing racial inequalities, Mr. Suiter led protests in Augusta County for months to advocate for Body worn and In-Car, Camera Systems on ACSD Deputies, transparency, and accountability. Mr. Suiter led, attended, organized the protest on June 29, 2021 and July 21, 2021 and, while protesting and chanting peacefully, was Detained, ticketed and arrested by Augusta

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

County Sheriff's Deputies, Deputy Obenschain. M.R, and Deputy Metlenko. E; causing him great loss to his reputation and other harm. It is important to Mr.Suiter that he continues protesting peacefully in defense of civil liberties and human rights, but he is fearful that the RPD and VSP will hurt him if he continues to exercise his rights. Mr.Suiter did not threaten violence, nor did he make any physically aggressive or intimidating gestures toward the police. Mr.Suiter intends to continue protesting, but since the Charges and Not Guilty Verdicts in General District Court, has become afraid of police aggression and worries about future retaliation from law enforcement, causing him trauma and anxiety.

17. Plaintiff organizations have a direct and immediate interest in the issues presented in recent protests and the rights of their members to participate, now and in the future, in such public demonstrations and protests against police violence. This right is enshrined in the laws and traditions of the Commonwealth, including the rights of free speech and assembly. Those rights were violated by Defendants on or around June - August, 2021, and there is an imminent risk of the rights being violated again at upcoming demonstrations absent immediate intervention by this Court.

18. The individual Plaintiff has an interest in the issues presented in recent protests and in their right to participate, now and in the future, in such public demonstrations and protests, a right enshrined in the laws and traditions of this Commonwealth, including the right to assemble with others and the right to freedom of speech. Those rights were trampled by Defendants on or around June - August, 2021 and risk being violated again at upcoming demonstrations absent immediate intervention by this Court.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

19. Plaintiffs remain committed to protesting police brutality and racial injustice, and to the national movement to protect Black lives. They should be free to exercise their constitutional right to protest and participate in peaceful demonstrations against police brutality in Augusta County, Virginia without becoming victims of police brutality themselves.

20. Plaintiffs bring this action to restrain the County of Augusta, ACSD, ACSD Deputies and Sheriff Donald Smith from continuing to respond to peaceful protests with unconstitutional force by abusing Augusta County's Noise Ordinance. The Virginia Constitution grants The Plaintiffs the right to peacefully assemble and protest without being subjected to crowd-control weapons, tickets, detainments, arrest, and incarceration, even if they are expressing their condemnation of police practices and budgets.

21. Defendant County of Augusta is a County in Virginia. It operates and governs the Augusta County Sheriff's Department ("ACSD"). At all times relevant to this action, The County of Augusta through its policies and the decisions of the policy makers (board members), including the Augusta County Sheriff and other employees of the ACSD. The acts, edicts, and practices of said persons represent the official policies and practices of the Defendant County of Augusta. It is being sued for Monetary and Injunctive relief from the unconstitutional and dangerous policies and practices of its Sheriff and Sheriff's Department Deputies that occurred on and around June -August of 2021. Augusta County's Noise Ordinance (15-7A) was used against protesters after Sheriff Donald Smith admitted to Consulting with The Augusta County Board of supervisors and Virginia Commonwealth's Attorney Timothy Martin to ticket and arrest protestors for Violating Augusta County's Noise Ordinance while protesting.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

22. Defendant Donald Smith is the elected Sheriff of the ACSD/Augusta County and serves as the Sheriff of the Augusta County Sheriff's Department and County. He is sued in his official capacity for the planned, unconstitutional use of force against peaceful demonstrators on or around June -August of 2021. He is also sued for the retaliatory, illegal and excessive acts pertaining to Plaintiffs Antwhon Suiters kidnapping and Arrest on June 29 and July 21 of 2021

23. The Defendant Augusta County Sheriff's Department is the primary law enforcement agency for Augusta County, Virginia. It is sued for the planned, unconstitutional use of force against peaceful demonstrators on or around June - August, 2021. Augusta County Sheriff's Department is a County law enforcement agency acting as the Counties police force for the County of Augusta. It is sued for the planned, unconstitutional use of force against peaceful demonstrators on or around June - August 2021. The County of Augusta Shouldve made sure its Ordinances and Laws were Constitutional or mentioned the protection of Federally protected activities.

24. Defendant Deputy Obenschain. M.R, is a Deputy Sheriff of the ACSD/Augusta County. He is sued in his official capacity for the planned, unconstitutional use of force against peaceful demonstrators on or around June -August of 2021. He is also sued for the retaliatory, illegal and excessive acts pertaining to Plaintiffs Antwhon Suiters kidnapping and Arrest on June 29, 2021

25. Defendant Deputy Metlenko. E is a Deputy Sheriff of the ACSD/Augusta County. He is sued in his official capacity for the planned, unconstitutional use of force against peaceful demonstrators on or around June

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

August of 2021. He is also sued for the retaliatory, illegal and excessive acts pertaining to Plaintiff Antwhon Suiters kidnapping and Arrest on July 21, 2021

JURISDICTION AND VENUE

26. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3).

27. The Augusta County Sheriff's Department regularly conducts business within this judicial district.

28. These events, violations and claims giving rise to this action took place within this judicial district.

29. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), because the events or omissions giving rise to Plaintiff's Claims occurred in this district.

PRELIMINARY STATEMENT OF FACTS

30. This is a Civil Rights action in which Plaintiff seeks relief through 42 U.S.C. § § 1981, 1983 and 1988 due to the violations of his Civil Rights and his Constitutionally Protected rights under the FIRST, FOURTH and FOURTEENTH Amendments, in addition to the Laws of the Commonwealth of Virginia.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

31. These claims arise from from a nexus of events that occurred on June 29, 2021 and July 21, 2021 in which Defendants The County Of Augusta, Donald Smith, and Deputy Obenschain. M.R, Defendant Deputy Metlenko. E Arrested and Charged Plaintiff Antwhon Suiter with exceeding max sound level under Augusta County's Noise Ordinance statute. While acting under color of law, The County Of Augusta, Donald Smith, and Deputy Obenschain. M.R, Defendant Deputy Metlenko. E unlawfully, illegally and unconstitutionally detained, searched and Arrested Mr. Suiter without a valid warrant or probable cause to do so.

32. The above referenced acts caused Mr.Suiter to be deprived of his liberty and to sustain various mental injuries, including but not limited to emotional distress and mental anguish.

33. Mr. Suiter seeks monetary damages: 1) compensatory and 2) punitive, against Defendants, as well as an award of attorney fees (if applicable), court costs, other costs and fees that Plaintiff may incur, and such other and further relief as this Court deems just and proper.

FACTS

34. At the end of April 2021, Plaintiff Antwhon Suiter- Black Lives Matter Shenandoah Valley President, organized a series of peaceful Black Lives Matter ('BLM') demonstrations in downtown throughout Augusta County, Including Staunton and Waynesboro Virginia to protest police violence. Majority of the demonstration

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

took place outside of the Augusta County Sheriff's Department. The Plaintiff in this action, Mr. Suiter, participated and organized the demonstrations.

35. The BLM demonstration included a roster of speakers and participants who addressed community members and deputies Outside of the Sheriff's Department. The demonstrations sparked right after the Augusta County Sheriff Deputy Involved shooting of Dante Harris and Jeffery Bruce.

36. During the BLM protest, a group of counter-demonstrators gathered on the grassy public area in front of the parking lot of the Augusta County Sheriff's Department located at 127 Lee Highway Verona VA, 24482.

37. A Month after the BLM protest began, "Blue Lives Matter " or counter demonstrators began to arrive outside of the Augusta County Sheriff's Department Using Megaphones and Bluetooth speakers. The Counter protestors and Speakersinterfered with the ability of participants in the BLM demonstration to hear the Organizers of the events. Officers from the Augusta County Sheriff's Department ("ACSD") who were at the scene did not instruct the counter-demonstrators to stop using Bullhorns, and Megaphones during the BLM demonstration until a few days before the ACSD began arresting and charging BLM Protestors.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

38. While the BLM demonstrations usually ended around 6:00 pm, some BLM demonstrators began protesting more and louder in support of their own message protesting police violence. Mr. Suiter began protesting simultaneously chanting, "Take that Badge off." and "F*** the Police"

39. Specifically on two occasions, Mr. Suiters chanting and singing prompted Donald Smith and the Augusta County Sheriffs Departments (ACSD) personnel. Sheriff Donald Smith Instructed Deputy Obenschain. M.R, and Deputy Metlenko. E to Charge and Arrest Mr. Suiter in an attempt to stop Mr. Suiter from protesting and to leave the Augusta County Sheriff's Department. As a result of Plaintiff Antwhon Suiters Protesting and Chanting, Sheriff Smith was personally and officially involved with the detainments, charges and arrest that occurred outside of the Sheriff's Department in Augusta County from July to August.

40. When Sheriff Smith arrived outside the Sheriff's Department, he observed multiple BLM protesters- including Mr. Suiter Using Megaphones while Protesting and Chanting. Sheriff Smith heard Mr. Suiter for days leading to months informing the ACSD personnel, including Sheriff Smith, that the arrest was illegal and against his constitutional rights.

41. At this point, Sheriff Donald Smith, who appeared highly agitated over the course of events, again demanded that ACSD personnel Charge and Arrest Mr. Suiter in the middle of federally protected activities.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

42. On June 28, 2021 (Filed 06/29/21) Defendant Deputy Obenschain. M.R approached Mr. Suiter, Under the Direction of Sheriff Donald Smith, and stated, "You need to come with us", Defendant Deputy Obenschain. M.R and other Deputies escorted Mr.Suiter into the Augusta County Sheriff's Department. Mr.Suiter was Charged and Arrested under Augusta County Noise Ordinance 15-7A.

43. July 20, 2021 (Filed 07/21/21) Defendant Deputy Metlenko. E approached Mr.Suiter, Under the Direction of Sheriff Donald Smith, and stated, "You need to come with us", Defendant Deputy Metlenko. E and other Deputies escorted Mr.Suiter into the Augusta County Sheriff's Department. Mr.Suiter was Charged and Arrested under Augusta County Noise Ordinance 15-7A.

44. The Augusta County Sheriff's Departments Deputies seized all of Mr.Suiters Belongings on his person at the time of the incident, including his Megaphone and Cellphone, after Searching him.

45. Following Mr.Suiters arrest, Sheriff Donald Smith told members of the public and other BLM Demonstrators who were at the scene that they would be arrested if they engaged in the same activities that Mr.Suiter was participating in.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

46. Mr.Suiter was not the only person arrested at the demonstration at The Augusta County Sheriff's Department in Augusta County under The Augusta County's Noise Ordinance 15-7A Between June 2021 and August 2021. Furthermore, there were more than 15 Charges and Arrests made between June 2021 and August 2021.

47. Mr.Suiter Took the Two Noise Ordinance Charges ending in the Arrest mentioned in this complaint to trial and was found Not Guilty of the two misdemeanor charges on the 2nd of September 2022, in a ruling announced from the Judge by Augusta County District Court Judge Steven Helvin. (Case Number: GC21007092-00 and Case Number: GC21007803-00). Judge Steven Helvin stated that Plaintiff Antwhon Suiter was Protected by the FIRST Amendment of the Constitution.

48. On September 26, 2022 A "Notice Of Intent To Sue Letter" was Delivered and Emailed to the Parties listed as Defendants herein, which was ignored by Defendants. In the Demand letter The Plaintiff demanded a response by October 14, 2022, in which none was received. The Plaintiff received no response from the defendants listed herein pertaining to Plaintiff Antwhon Suiter prevailing in court on September 02, 2022, prompted this suit.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

49. Exhibit A

20-113180 VIRGINIA UNIFORM SUMMONS

AUGUSTA COUNTY SHERIFF'S OFFICE

YOU ARE SUMMONED TO APPEAR IN THE (CITY OF / COUNTY OF)
County of Augusta

6 East Johnson St.
Staunton, VA. 24401

ON TV 21 AT 10:00 A.M. P.M.
FOR VIOLATION OF STATE 4 COUNTY 1 CITY 1 TOWN

LAW SECTION 15-7 (A) DESCRIBE CHARGE:
Violation of RVR Code 19.2-201

COMMERCIAL MOTOR VEHICLE ☐ YES ☒ NO VCC: ☐ YES ☒ NO
HAZARDOUS MATERIALS ☐ YES ☒ NO
RESULTED IN FATALITY ☐ YES ☒ NO
HIGHWAY SAFETY CORRIDOR ☐ YES ☒ NO

I PROMISE TO APPEAR AT THE TIME AND PLACE SHOWN ABOVE. SIGNING THIS SUMMONS IS NOT AN ADMISSION OF GUILT. I CERTIFY THAT MY CURRENT MAILING ADDRESS IS AS SHOWN BELOW.

SIGNATURE [Signature]
YOU MUST APPEAR AT TRIAL (JUVENILES MUST APPEAR WITH PARENT/LEGAL GUARDIAN).

☐ YOU MAY AVOID COMING TO COURT ONLY IF THIS BLOCK IS CHECKED AND ALL INSTRUCTIONS ON DEFENDANT'S COPY ARE FOLLOWED.

ONLY CALL 340-245-5300 IF MORE HELP IS NEEDED.

MAILING ADDRESS: ☐ SAME AS ABOVE AT RIGHT ☐ CHANGE FROM D.L.

R.O. BOX/STREET CITY/TOWN STATE ZIP

NAME LAST FIRST MIDDLE
Switer, Arturion - Jr

RES. ADDRESS 207 Long Ave RES. APTS. 123

CITY/TOWN Staunton, VA STATE 24401

RACE B SEX M D.O.B. 10/17/95 HT. 60 IN WT. 150 LB. EYES BR HAIR BR

DL/CDL # IF CRIMINAL OFFENSE OR NO LICENSE, USE SSN 765961368 STATE VA

CDL HOLDER ☐ YES ☒ NO LICENSE NO. YEAR STATE

JURISDICTION OF OFFENSE DATE OF OFFENSE DAY OF WEEK TIME
007 06/28/21 Mon 10:00 A.M. P.M.

DIRECTION N/A ACCIDENT ☐ YES ☒ NO WEATHER CLR ROUTE NUMBER/STREET Lee Hwy

LOCATION OF OFFENSE 127 Lee Highway

ARREST DATE 06/28/21 ARREST LOCATION Same

OFFICER Dp. M. R. Okechian CODE/BADGE NO. 391

HEARING DATE AND TIME 12/12/22 11:00

☐ PROSECUTING ATTORNEY (NAME) OKay Matheny Willard

☐ DEFENDANT'S ATTORNEY (NAME)

☐ NO ATTORNEY
☐ ATTORNEY WAIVED
☐ NO ATTY JAIL WAIVED BY CT

THE ACCUSED WAS THIS DAY:
☐ TRIED IN ABSENCE
☒ PRESENT

THE ACCUSED PLEADED:
☐ NOT GUILTY
☐ NOLO CONTENDERE
☐ GUILTY ☐ PREPAYMENT

AND WAS TRIED AND FOUND BY ME:
☐ FINDING SUFFICIENT
☐ DEFERRED \$
☒ NOT GUILTY
☐ GUILTY AS CHARGED
☐ GUILTY OF
☐ COMPLIED WITH LAW UNDER \$

IN ADDITION I FIND THE ACCUSED WAS:
☐ DRIVING A COMMERCIAL M.V.
☐ CARRYING HAZARDOUS MAT.
☐ A CDL HOLDER

AND THE OFFENSE:
☐ RESULTED IN A FATALITY
☐ WAS IN A HWY. SAFETY COR.

☐ I ORDER THE CHARGE DISMISSED

☐ I ORDER A MOTION PROSECUTE ON COMMONWEALTH'S MOTION

IMPOSE THE FOLLOWING SENTENCE:
☐ FINE ☐ CIVIL PENALTY OF \$ WITH \$ SUSPENDED.
☐ DRIVER'S LICENSE SUSPENDED EFFECTIVE ON THIRTY (30) DAYS IF FINES/COSTS/ FORFEITURE/PENALTY/RESTITUTION NOT PAID IN THIRTY (30) DAYS (\$65.2-SSS).
☐ JAIL SENTENCE OF WITH SUSPENDED.
☐ ON PROBATION FOR
☐ DRIVER'S LICENSE SUSPENDED
☐ CONSECUTIVE SUSPENSION UNDER §46.2-301 ☐ YES ☒ NO
☐ RESTITUTION OF PAYABLE TO AS CONDITION OF SUSPENDED SENTENCE
☐ OTHER 9-2-22 [Signature]
DATE JUDGE

110/201 FINE \$
114/129/237 CIVIL PENALTY \$
460 FIXED TRAFFIC INFRACTION FEE \$
481 FIXED MISDEMEANOR FEE \$
482 FIXED MISDEMEANOR FEE - DRUGS \$

121 TIA FEE \$
244 C.H. SECURITY FEE \$
120/217 CT. APPT. ATTY. \$
113 WITNESS FEE \$

TOTAL \$

109 INTEREST CHARGE \$

TOTAL WITH INTEREST \$

APPEAL BOND \$
☐ APPEAL NOTED ON
☐ APPEAL WITHDRAWN

COURT COPY - PAGE 1

20-113180

VUS REV. 7-01-15

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

51. Exhibit C

COMMONWEALTH OF VIRGINIA, v. CAMERON TURLEY, et al.

1 Judge. I'm here to protect that constitution for
2 everybody in this room, no matter what their views are.

3 I heard the language. I listened to some of
4 it. It's reprehensible. But that's why we live in this
5 country. That's why we have this Bill of Rights. So
6 not getting to the identification, that's why I wanted
7 to take this up first. Okay, counsel.

8 MS. PORT: Yes, your Honor.

9 THE COURT: And it has been a pleasure, Ms.
10 Port. And your brief was about as good on this issue as
11 you could make, but you're not going to win it, I don't
12 think, in any court. I'm going to dismiss these two
13 warrants. That's why we're not worried about your
14 information. You now come back to the person. You are
15 now again Michael Phillips and we've identified you.
16 And I'm going to find him not guilty by reason of a
17 violation of the first amendment. The Commonwealth may
18 have a right to appeal this. That statute is unclear to
19 me. The legislators mess that up. I don't know the
20 answer. But it doesn't matter. I do what I think is
21 right on it. And thank you for your patience.

22 I'm not going to comment on the content of
23 your speech either. That's not my place. Okay. All
24 right. He's free to go.

25 MS. MATHENY-WILLARD: I'm assuming that

Signature Court Reporting, LLC
www.signaturecourtreporting.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

52. Exhibit D

COMMONWEALTH OF VIRGINIA, v. CAMERON TURLEY, et al,

1 MS. PORT: Anthwhon Suiter.
2 THE COURT: Are you Mr. Suiter?
3 MR. SUITER: Yes, your Honor.
4 MS. MATHENY-WILLARD: Two not guilty pleas,
5 your Honor.
6 THE COURT: Same situation, counsel?
7 MS. PORT: Yes, your Honor. These are both
8 similar facts; megaphone use in the parking lot.
9 THE COURT: Okay. Mr. Suiter, did you hear
10 what I said in the other cases?
11 MR. SUITER: I did.
12 THE COURT: I will find you not guilty of
13 these two charges.
14 MS. MATHENY-WILLARD: Thanks, your Honor.
15 THE COURT: All right.
16 MS. PORT: And the remaining defendants do
17 have some that are separate but some that are similar.
18 So Mr. Stephen Nelson.
19 THE COURT: Okay.
20 MS. MATHENY-WILLARD: Technically, your Honor.
21 Chris Okay didn't substitute out so he's on the docket
22 as his attorney. So we just left it like that.
23 THE COURT: All right. Sir, are you a member
24 of the Virginia Bar?
25 MR. OKAY: Yes, your Honor.

Signature Court Reporting, LLC
www.signaturecourtreporting.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

Harrisonburg Division

53. Exhibit E

Antwhon Suiter

470-786-6830

blmsvva@gmail.com

310 Orchard Ave, Apt B, Staunton VA

September 26, 2022

Augusta County

James R. Benkahla, County Attorney

Kathleen Keffer, Assistant County Attorney

County Attorney's Office, 18 Government Center Lane, Verona, VA 24482

(Hand Delivered and Emailed)

Augusta County Sheriff's Department

Donald Smith, Sheriff of Augusta County

Obenschain, M.R, Augusta County Sheriff's Deputy

Metlenko, DEP. E, Augusta County Sheriff's Deputy

Augusta County Sheriff's Department, 127 Lee Hwy, Verona, VA 24482

(Hand Delivered and Emailed)

RE: DEMAND AND NOTICE OF INTENT TO SUE

Dear Attorney Benkahla, Attorney Keffer, Sheriff Donald Smith, Mr.Obenschain and Mr.Metlenko:

My name is Antwhon Suiter, Im President of Black Lives Matter Shenandoah Valley. I represent my own legal interest relative to the Charges issued to me by the Augusta County Sheriff's Department's Deputies on 06/29/2021 and 07/21/2021 under Augusta County's noise ordinance and the Court's decision on 09/02/2022 which returned a NOT GUILTY Verdict Stating that I "was protected under the 1st amendment of the United States constitution". I participated in and organized a series of protests throughout Augusta County including the Cities that reside within and a majority of the time outside of the Sheriff's Department.

I Was Charged by Augusta County Sheriff's Deputy, Obenschain, M.R on 06/29/2021 (Case # GC21007092-00) and charged by Augusta County Sheriff's Deputy, Metlenko, DEP. E, on 07/21/2021 (Case # GC21007803-00) .

On 09/02/2022, The General District Judge ruled that I was Not Guilty and protected by the 1st Amendment of The United States Constitution.

As a **Global Settlement** to resolve and relieve all claims against The County of Augusta, Sheriff Donald Smith, Mr.Obenschain and Mr.Metlenko, related to the above charges, **I Demand** in the total sum - **\$100,000.00.**

If I do not get a response from this Demand and Notice of Intent To Sue Letter within 14 Business days **(10/14/2022)**, I will have no choice but to pursue this matter in court.

Antwhon Suiter

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

COUNT I - VIOLATION OF FIRST AMENDMENT

Virginia Constitution Article I, Section 12

First Amendment- Petition/Protest, 42 U.S.C § 1983

Against All Defendants

54. Plaintiff restates and realleges all previous paragraphs of this complaint.
55. Sheriff Donald Smith Instructed and Directed Deputy Obenschain, M.R., and Deputy Metlenko. E's infringement upon the plaintiffs privilege and right to petition and protest the police is arbitrary and retaliatory.
56. The Plaintiff's First Amendment rights were violated when the Defendants chose to Detain, arrest and kidnap Mr.Suiter after months of protesting outside of the Augusta County Sheriff's Department.
57. On this occasion , the defendant stopped the plaintiff under color of law and to halt Mr.Suiters ability to exercise his first amendment right and acts therein, protected by the constitution.
58. On information and belief, The Defendant retaliated against Mr.Suiter for protesting outside of The Augusta County Sheriff's Departments.
59. Given the foregoing, Plaintiff is entitled to injunctive relief establishing that the acts of the defendant were and are unconstitutional and that the sheriff's Department must complete training to prohibit further constitutional rights violations.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA**

Harrisonburg Division

COUNT II- VIOLATION OF FOURTH AMENDMENT

Fourth Amendment-Unlawful Seizure and Excessive Force, 42 U.S.C § 1983

Against All Defendants

60. Plaintiff restates and realleges all previous paragraphs of this complaint.

61. Mr. Suiter was confiscated by Augusta County Sheriff's Departments and its Deputies, and through the use of force and threat of arrest, terminated Mr.Suiter's freedom of movement.

62. The Plaintiffs Fourth amendment rights were violated when the Defendants illegally detained, searched, and ID'd Mr.Suiter.

63. Defendants were acting under color of law when they violated the Plaintiff's Fourth Amendment right.

64. Furthermore, the use of force and unlawful seizure of Mr.Suiters' Person was excessive and unreasonable: Plaintiff Antwhon Suiter was only engaging in a federally protected activity which was protesting when he was targeted, kidnapped, charged and arrested.

65. Given the foregoing, Plaintiff is entitled to injunctive relief establishing that the acts of the defendant were and are unconstitutional and that the sheriff's Department must complete training to prohibit further constitutional rights violations.

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

66. The loss of Mr.Suiters FIRST Amendment right resulted in the loss of Mr.Suiters FOURTH Amendment right.

COUNT III - VIOLATION OF FOURTEENTH AMENDMENT

Fourteenth Amendment-Deprivation Of Rights, Title 18, U.S.C. § 242 and 42 U.S.C § 1983

Against All Defendants

67. Plaintiff restates and realleges all previous paragraphs of this complaint.

68. The Defendants willfully and knowingly deprived Mr.Suiter of his rights, privileges, and immunities secured and protected by the Constitution and Laws of the United States.

69. Defendants knew they had no legal obligation or justification to detain, ticket or arrest the Plaintiff for protesting with a bullhorn.

70. Defendants retaliated against the plaintiff for exercising his First amendment right.

71. Defendants knowingly violated Mr.Suiters Fourth and Fourteenth amendment rights

72. Given the foregoing, Plaintiff is entitled injunctive relief establishing that the acts of the defendant were and are unconstitutional and that the sheriff's Department must complete training to prohibit further constitutional rights violations.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

73. The loss of Mr.Suiters FIRST Amendment right resulted in the loss of MrSuiters FOURTEENTH Amendment right.


PRAYER FOR RELIEF

Plaintiff respectfully request that the Court order the following relief:

1. Award Plaintiff Six Million Dollars (\$6,000,000.00); Five Hundred Thousand Dollars (\$500,000.00) to each of his respective counts for each Defendant and,
2. Entry of a declaratory judgment as to the misuse of Augusta County's noise ordinance (15-7A) and subsequent dispersal orders;
3. Award Plaintiffs their costs of suit, including reasonable attorneys' fees; and,
4. Award Plaintiffs such other relief as may be just and proper.

TRIAL BY JURY IS DEMANDED

Respectfully Submitted,


By: /s/ Antwhon S. Suiter
Antwhon Suiter, Constitutional Activist
207 Gray Avenue,
Staunton, VA 24401
(470)786-6830
blmsvva@gmail.com